

## Document Log Item

Addressing	
<b>From</b>	<b>To</b>
Carl Goldstein/R9/USEPA/US	"Steven Costa" <glatzeldacosta@suddenlink.net> slcatgdc@earthlink.net kargatgdc@suddenlink.net "Jim Cox" <jcox@cosintl.com> "Steven Costa" <glatzeldacosta@suddenlink.net>, slcatgdc@earthlink.net, kargatgdc@suddenlink.net, "Jim Cox" <jcox@cosintl.com>
<b>CC</b>	<b>BCC</b>
John McCarroll/R9/USEPA/US@EPA	
<b>Description</b> <span>Form Used: Memo</span>	
<b>Subject</b>	<b>Date/Time</b>
EPA Permits Office Reply Re: Error in Permit Bioassay Calcs for Canneries JCO	11/03/2008 10:12 AM
<b># of Attachments</b>	<b>Total Bytes</b>
1	106,090
<b>NPM</b>	<b>Contributor</b>
	Marcela VonVacano
<b>Processing</b>	
<b>Comments</b>	

Body

## Document Body

Steve,

Please see the message below and add that consideration to my earlier email which said the following:

Steve,

Regarding the two (2) letters concerning the bioassay testing for the canneries JCO:

1. Your request to utilize a bioassay test, conducted in conformance with EPA Toxicity testing procedures and protocol in May 2008, is approved for use to meet NPDES permit semi-annual reporting requirements.

2. I have sent your letter concerning the calculation error you have uncovered to my Permits office (who wrote the permit) for their comment. In the meanwhile, for NPDES permit reporting, please use the following language for Part V.D.5.a.

"If during range finding testing in years one through three, one test result is found to be greater than 313 TUC (during the semi-annual reporting period) or an NOEC of 0.319 percent effluent (which is based on a maximum allowable dilution of 313:1 estimated at the ZID), the permittee is required to perform accelerated toxicity testing."

Please retain this email for your official NPDES permit records.


Sincerely,

Carl L. Goldstein  
Program Manager  
Pacific Islands Office  
USEPA, Region 9  
75 Hawthorne St.  
San Francisco, CA 94105

----- Forwarded by Carl Goldstein/R9/USEPA/US on 11/03/2008 10:08 AM -----

Doug Eberhardt/R9/USEPA/US

11/03/2008 09:26 AM

To: Carl Goldstein/R9/USEPA/US@EPA  
cc: John McCarroll/R9/USEPA/US@EPA, greiner.sara@epa.gov  
Subject: Re: Error in Permit Bioassay Calcs for Canneries JCO 

Hi Carl,

I will have Sara Greiner look into this, but unless and until we formally modify the permit, the existing terms of the permit are the legally binding requirements on the dischargers. EPA has discretion when it comes to enforcement, but we must go through a formal process for modifying the permit itself.

Doug

~~~~~  
Douglas E. Eberhardt  
Chief, NPDES Permits Office  
EPA Region 9, WTR-5  
75 Hawthorne Street  
San Francisco, CA 94105  
phone: 415-972-3420  
fax: 415-947-3545  
email: eberhardt.doug@epa.gov  
Carl Goldstein/R9/USEPA/US

**Carl Goldstein/R9/USEPA/US**

10/29/2008 05:11 PM

To: Doug Eberhardt/R9/USEPA/US@EPA  
cc: John McCarroll/R9/USEPA/US@EPA  
Subject: Error in Permit Bioassay Calcs for Canneries JCO

Doug,

Please find attached a letter from the canneries noting a minor error pertaining to the trigger point for chronic bioassay testing. In my review of gdc's calculations contained in the attached letter, I concur with the canneries.

EPA Permit

TUc = 256  
NOEC = 0.390

### Canneries Calculation Results for TUC and NOEC

TUC = 313

NOEC = 0.319

In the meanwhile, I advised the canneries to use their numbers for TUC and NOEC until advised otherwise.

Please let me know what you think and what needs to be done, and if you would like PIO to do it.

Thanks,  
-Carl



gdc to EPA- Error in Permit Bioassay Calcs.pdf